

Notice of Allowability

Application No.

09/423,684

Examiner

Hope A. Robinson

Applicant(s)

CAWTHORNE ET AL.

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/18/05.
2. ☒ The allowed claim(s) is/are 3,23-26 and 28.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/16/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization of this Examiner's amendment was given in a telephone interview with Mr. Alan Feeney on May 18, 2005.
3. The Claims have been amended as follows:

Please cancel claims 5, 7, 9, 14, 16, 18, 20 and 30.

Claim 3 (Currently Amended) A method of decreasing body weight in a patient, wherein said patient is a non-insulin-dependent diabetic human, said method comprising administering a therapeutically effective amount of a somatostatin type-2 receptor agonist to said patient.
4. The Specification has been amended as follows:

On page 1 line 1 please insert the following replacement paragraph:

"This application is a 371 of PCT/EP98/02999 filed on May 13, 1998 which is a continuation of 08/854,941 filed on May 13, 1997, now abandoned".

REASONS FOR ALLOWANCE

Art Unit: 1653

5. The following is an Examiner's statement of reasons for allowance:

The applicant has claimed A method of decreasing body weight in a patient, wherein said patient is a non-insulin-dependent diabetic human, said method comprising administering a therapeutically effective amount of a somatostatin type-2 receptor agonist to said patient.

A search of commercial databases did not produce any prior art that suggests or teaches the above claimed invention. For example, Lloyd et al. (American Physiological Society, vol. 268, pages G102-106, 1995) teach a method comprising administering a somatostatin receptor subtype-2, which inhibits acid secretion in rats, however, the reference is silent on a somatostatin receptor type-2 agonist in a method to decrease body weight in a NIDD human patient. Thus, the claimed invention is novel and nonobvious over the prior art.

EXAMINER'S COMMENTS

6. Applicant on November 10, 2003 elected to prosecute the sequence: D-Beta-Nal-Cys-Tyr-D-Trp-Lys-Val-Cys-Thr-NH₂, all sequences present claims have been rejoined, thus the Restriction Requirement mailed on May 7, 2003 has been withdrawn.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Art Unit: 1653

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope A. Robinson whose telephone number is 571-272-0957.

The examiner can normally be reached on Monday-Friday.

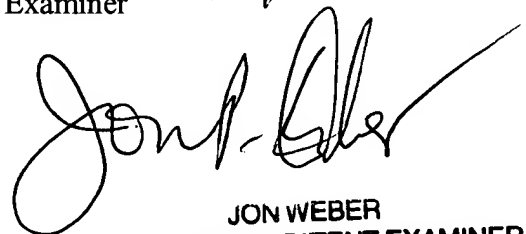
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber, can be reached at (571) 272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hope Robinson, MS

Patent Examiner

5/18/05



JON WEBER
SUPERVISORY PATENT EXAMINER